SUBCHAPTER A : EDWARDS AQUIFER IN MEDINA, BEXAR, COMAL, KINNEY, UVALDE, HAYS, TRAVIS AND WILLIAMSON COUNTIES

§213.1. Purpose.

The purpose of this chapter is to regulate activities having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams in order to protect existing and potential uses of groundwater and maintain Texas Surface Water Quality Standards. The activities addressed are those that pose a threat to water quality.

(1) Consistent with §26.401 of the Water Code, the goal of this chapter is the existing quality of groundwater not be degraded, consistent with the protection of public health and welfare, the propagation and protection of terrestrial and aquatic life, the protection of the environment, the operation of existing industries, and the maintenance and enhancement of the long-term economic health of the state.

(2) Nothing in this chapter is intended to restrict the powers of the commission or any other governmental entity to prevent, correct, or curtail activities that result or may result in pollution of the Edwards Aquifer or hydrologically connected surface waters. In addition to the rules of the commission, an applicant may also be required to comply with local ordinances and regulations providing for the protection of water quality.

(3) The executive director shall review and act on an application subject to this chapter. The applicant or a person affected may file with the chief clerk a motion for reconsideration, under §50.39(b)-(f) of this title (relating to Motion for Reconsideration), of the executive director's final action on an Edwards Aquifer protection plan, modification to a plan, or exception.

Adopted December 4. 1996 Effective December 27, 1996

§213.2. Applicability and Person or Entity Required to Apply.

These rules specifically apply to the Edwards Aquifer and are not intended to be applied to any other aquifers in the state of Texas. Unless otherwise provided under this chapter, the owner of an existing or proposed site, such as a residential or commercial development, sewage collection system, or aboveground or underground storage tank facility for static hydrocarbons or hazardous substances, who proposes new or additional regulated activities under this chapter, must file and receive executive director approval of all appropriate applications prior to commencement of construction of new or additional regulated activities.

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§213.3. Definitions.

The definitions in §26.001, §26.263, and §26.342 of the Texas Water Code are applicable to this chapter. When used in this chapter, those definitions shall have the same meaning as the following definitions unless the context in which they are used clearly indicates otherwise, or those definitions are inconsistent with the definitions listed below.

Abandoned well - A well that has not been used for six consecutive months. A well is considered to be in use in the following cases:

(A) a non-deteriorated well which contains the casing, pump and pump column in good condition; or

(B) a non-deteriorated well which has been capped (as defined by Chapter 238 of this title relating to Water Well Drillers Rules).

Aboveground storage tank facility - The site, tract, or other area where one or more aboveground storage tank systems is located, including all adjoining contiguous land and associated improvements.

Aboveground storage tank system - A non-vehicular device (including any associated piping) that is made of nonearthen materials; located on or above the ground surface, or on or above the surface of the floor of a structure below ground, such as a mineworking, basement, or vault; and designed to contain an accumulation of static hydrocarbons or hazardous substances.

Appropriate regional office - For regulated activities covered by this chapter and located in Hays, Travis and Williamson counties, the appropriate agency regional office is Region 11, located in Austin, Texas. For regulated activities covered by this chapter and located in Kinney, Uvalde, Medina, Bexar, and Comal counties, the appropriate agency regional office is Region 13, located in San Antonio, Texas.

Assessment of area geology - A report which is prepared by a geologist describing area and site-specific geology.

Best management practices (BMPs) - schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the State. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs are those measures that are reasonable and necessary to achieve a performance standard that protects existing and potential uses of groundwater and maintains surface water quality in compliance with Texas Surface Water Quality Standards, as contained in technical guidance prepared by the executive director or other BMPs which are technically justified based upon studies and other information that are generally relied upon by professionals in the environmental protection field and are supported by existing or proposed performance monitoring studies, including, but not limited to, U.S. Environmental Protection Agency, American Society of Civil Engineers, and Water Environment Research Foundation guidance.

Commencement of construction - Construction of physical facilities including but not limited to buildings, roads, and utility infrastructure.

Edwards Aquifer - That portion of an arcuate belt of porous, waterbearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River

Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer protection plan - A general term which includes water pollution abatement plan, organized sewage collection system plan, underground storage tank facility plan, aboveground storage tank facility plan, or a modification or exception granted by the executive director.

Edwards Aquifer protection plan holder - Person who is responsible for compliance with an approved water pollution abatement plan, organized sewage collection system plan, underground storage tank facility plan, aboveground storage tank facility plan, or a modification or exception granted by the executive director.

Feedlot/concentrated animal feeding operation - A concentrated, confined livestock or poultry facility operated for meat, milk or egg production, growing, stabling, or housing, in pens or houses wherein livestock or poultry are fed at the place of confinement and crop or forage growing or production of feed is not sustained in the area of confinement.

Geologic or manmade features - Features including but not limited to closed depressions, sinkholes, caves, faults, fractures, bedding plane surfaces, interconnected vugs, reef deposits, wells, borings, and excavations.

Groundwater conservation district - Any groundwater district created by the Texas Legislature or the commission under the Texas Water Code, Chapter 36, as a groundwater conservation district to conserve, preserve, and protect the waters of an underground water reservoir.

Hazardous substance - Any substance designated as such by the administrator of the Environmental Protection Agency pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; regulated pursuant to §311 of the Federal Water Pollution Control Act; or any solid waste, or other substance that is designated to be hazardous by the commission, pursuant to the Texas Water Code §26.263 or Texas Health and Safety Code §361.003.

Industrial wastewater discharge - Any category of wastewater except:

(A) those that are primarily domestic in composition; or

(B) those emanating from feedlot/concentrated animal feeding operations.

Land application system - A wastewater disposal system designed not to discharge wastewater into a surface drainage way.

Organized sewage collection system - Any public or private sewerage system for the collection and conveyance of sewage to a treatment and disposal system that is regulated pursuant to rules of the commission and provisions of Chapter 26 of the Texas Water Code. A system includes lift stations, force

mains, gravity lines, and all appurtenances necessary for conveying wastewater from a generating facility to a treatment plant.

Pollution - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety or welfare, or impairs the usefulness of the public enjoyment of the waters for any lawful or reasonable purpose.

Private sewage facilities - On-site sewage facilities as defined under Chapter 285 of this title (relating to On-site Sewage Facilities).

Private service lateral - Facilities extending from the building drain to an existing private or public sewage collection system or other place of disposal that provides service to one individual household or building whose operation and maintenance are the sole responsibility of the tenant or owner of the building. Facilities extending from the convergence of private service laterals from more than one building is considered a sewage collection system.

Recharge zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the appropriate regional office and groundwater conservation districts.

Regulated activity - Any construction-related activity on the recharge zone of the Edwards Aquifer, such as, but not limited to: construction of buildings, utility stations, roads, highways, or railroads; clearing, excavation or any other activities which alter or disturb the topographic, geologic, or existing recharge characteristics of a site; any installation of aboveground or underground storage tank facilities on the recharge or transition zone of the Edwards Aquifer; or any other activities which may pose a potential for contaminating the Edwards Aquifer and hydrologically connected surface streams. "Regulated activity" does not include:

(A) the clearing of vegetation in a 10-foot wide path, for the sole purpose of surveying;

(B) agricultural activities, except feedlots/concentrated animal feeding operations;

(C) activities associated with the exploration, development, and production of oil or gas or geothermal resources as defined in Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste);

(D) the routine maintenance of existing structures that does not involve additional site disturbance, such as but not limited to, the resurfacing of existing paved roads, parking lots, sidewalks, or other development-related impervious surfaces and the building of fences, or other similar activities in which there is little or no potential for contaminating groundwater, or there is little or no change to the topographic, geologic, or existing sensitive features; or

(E) construction of single-family residences on lots that are larger than five acres, where no more than one single-family residence is located on each lot.

Sensitive feature - Permeable geologic or manmade feature located on the recharge zone or transition zone where:

(A) a potential for hydraulic interconnectedness between the surface and the Edwards Aquifer exists, and

(B) rapid infiltration to the subsurface may occur.

Sewage holding tank - A tank or other containment structure used to receive and store sewage until its ultimate disposal in an approved treatment facility.

Site - The entire area included within the legal boundaries of the property. Regulated activities on a site that is located partially on the recharge zone and transition zone, where the natural drainage in the transition zone flows back to the recharge zone, shall be treated as if the entire site is located on the recharge zone.

Static hydrocarbon - A hydrocarbon which is liquid at atmospheric pressure and 20^{o} centigrade.

Stub out - A wye, tee, or other manufactured appurtenance placed in a sewage collection system providing a location for a future extension of the collection system.

Tertiary containment - A containment method by which an additional wall or barrier is installed outside of the secondary storage vessel (e.g., tank or piping) or other secondary barrier in a manner designed to prevent a release from migrating beyond the tertiary wall or barrier before the release can be detected. Tertiary containment systems include, but are not limited to, impervious liners and vaults surrounding a secondary tank and/or piping system, or equivalent triple wall tank or piping system as approved by the executive director.

Transition zone - That area where geologic formations crop out in proximity to and south and southeast of the recharge zone and where faults, fractures, and other geologic features present a possible avenue for recharge of surface water to the Edwards Aquifer, including portions of the Del Rio Clay, Buda Limestone, Eagle Ford Group, Austin Chalk, Pecan Gap Chalk, and Anacacho Limestone. The transition zone is identified as that area designated as such on official maps located in the appropriate regional office and groundwater conservation districts.

Underground storage tank facility - The site, tract, or other defined area where one or more underground storage tank systems are located, including all adjoining contiguous land and associated improvements.

Underground storage tank system - Any one or combination of underground tanks and any connecting underground pipes used to contain an accumulation of regulated substances, the volume of

which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

Well - A bored, drilled or driven shaft, or an artificial opening in the ground made by digging, jetting or some other method, where the depth of the well is greater than its largest surface dimension. A well is not a surface pit, surface excavation, or natural depression.

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§213.4. Application Processing and Approval.

(a) Approval by the executive director. No person shall commence the construction of any regulated activity until an Edwards Aquifer protection plan or modifications to the plan as required by §213.5 of this title (relating to Required Edwards Aquifer Protection Plans, Notification, and Exemptions) has been filed with the appropriate regional office, and the application has been reviewed and approved by the executive director. The appropriate regional office shall provide copies of submittals to affected incorporated cities, groundwater conservation districts, and counties having jurisdiction over the area potentially affected by a proposed regulated activity, for the purpose of considering timely comment from local government entities. Such comments must be received within 30 days from the date the submittal is distributed to affected incorporated cities, groundwater conservation districts, and counties to be considered by the executive director. A complete application for approval, as described in this section, must be submitted with the appropriate fee as specified in §213.12 of this title (relating to Application Fees).

(b) Contents of Application.

(1) Forms provided by the executive director. Applications for approval filed under this chapter must be made on forms provided by or approved by the executive director. Each application for approval must, at a minimum, include the following:

(A) name of the development, subdivision, or facility for which the application is submitted;

(B) a narrative description of the location of the project or facility for which the application is submitted, presenting sufficient detail and clarity so that the project site and its boundaries can be located during a field inspection;

(C) name, address, and telephone number of the owner or any other persons signing the application; and

(D) information needed to determine the appropriate fee under §213.14 of this title (relating to Fee Schedule) for the following plan types:

(i) for water pollution abatement plans and modifications to plans, the total acreage of the site where regulated activities will occur;

(ii) for organized sewage collection system plans and modifications to plans, the total linear footage of all lines; or

(iii) for static hydrocarbon and hazardous substance storage in underground or permanent aboveground storage tank facility plans, the total number of tanks or piping systems.

(2) Additional information. Each application must also include the following information, as applicable:

(A) for water pollution abatement plans, the information required under §213.5(b) of this title;

(B) for organized sewage collection system plans, the information required under §213.5(c) of this title;

(C) for static hydrocarbon and hazardous substance storage in underground storage tank systems, the information required under §213.5(d) of this title;

(D) for static hydrocarbon and hazardous substance storage in aboveground storage tank systems, the information required under §213.5(e) of this title; and

(E) any other pertinent information related to the application which the executive director may require.

(c) Application submittal. An original and three copies of the application must be submitted to the appropriate regional office. Only owners, their authorized agent(s), or those persons having an option to purchase or having the right to possess and control the property which is the subject of the Edwards Aquifer protection plan may submit the plan for review and approval by the executive director.

(d) Signatories to Applications.

(1) Required Signature. All applications must be signed as follows.

(A) For a corporation, a principal executive officer (president, vice-president, or a duly authorized representative) must sign the application. A representative must submit written proof of the authorization.

(B) For a partnership, a general partner must sign the application;

(C) For a political entity such as a municipality, state, federal or other public agency, either a principal executive officer or a duly authorized representative must sign the application. A representative must submit written proof of the authorization.

(D) For an individual or sole proprietorship, the individual or sole proprietor must sign the application.

(2) Proof of Authorization to Sign. The executive director requires written proof of authorization for any person signing an application.

(e) Executive director review. The executive director must complete the review of an application within 90 days after determining that it is administratively complete. The executive director must declare that the application is administratively complete or deficient within 30 days of receipt by the appropriate regional office. Grounds for a deficient application include, but are not limited to, failure to pay all applicable application fees.

(f) Additional provisions. As a condition of approval, the executive director may impose additional provisions deemed necessary to protect the Edwards Aquifer from pollution. The executive director may conditionally approve an Edwards Aquifer protection plan or impose special conditions on the approval of a plan.

(g) Deed recordation. Within 30 days of receiving written approval of a water pollution abatement plan, an aboveground storage tank plan, an underground storage tank plan, or modifications/exceptions to any of these plans for a proposed regulated activity, the applicant must record in the county deed records that the property is subject to an approved Edwards Aquifer protection plan. Prior to commencing construction, the applicant must submit, to the appropriate regional office, proof of application for recordation of notice in the county deed records.

(h) Term of approval. The executive director's approval of an Edwards Aquifer protection plan will expire two years after the date of initial issuance, unless prior to the expiration date, substantial construction related to the approved plan has commenced. For purposes of this subsection, substantial construction is where more than 10 percent of total construction has commenced. If a written request for an extension is filed under the provisions of this subsection, the approved plan shall continue in effect until the executive director makes a determination on the request for the extension.

(1) A written request for an extension must be received not earlier than sixty (60) days and no later than 30 days prior to the expiration date of an approved Edwards Aquifer protection plan or a previously approved extension. Requests for extensions are subject to fees outlined in §213.13 of this title (relating to Fees Related to Requests For Extensions).

(2) An executive director's approved extension will expire six months after the original expiration date of the approved Edwards Aquifer protection plan or a previously approved extension unless prior to the expiration date, commencement of construction, repair, or replacement related to the approved plan has occurred. An extension will not be granted if not more than 50 percent of the total construction has not been completed within 10 years from the initial approval of a plan.

(3) Any requests for extensions received by the executive director after the expiration date of an approved Edwards Aquifer protection plan or a previously approved extension will not be accepted and a new application for the purposes of this chapter must be submitted with the appropriate fees for the review and approval by the executive director.

(4) An extension will not be granted if the proposed regulated activity or approved plan for the regulated activity(s) under this chapter has changed.

(i) Legal Transfer of Property. Upon legal transfer of property, sewage collection systems, force mains, lift stations, underground storage tank system, or aboveground storage tank system, the new owner(s) is required to comply with all terms of the approved Edwards Aquifer protection plan. If the new owner intends to commence any new regulated activity on the site, he/she must file an Edwards Aquifer protection plan that specifically addresses the new activity.

(j) Modification of previously approved plans. The holder of any approved Edwards Aquifer protection plan must notify the appropriate regional office in writing and obtain approval from the executive director prior to initiating any of the following:

(1) any physical or operational modification of any water pollution abatement structure(s), including but not limited to ponds, dams, berms, sewage treatment plants, and diversionary structures;

(2) any change in the nature or character of the regulated activity from that which was originally approved or a change which would significantly impact the ability of the plan to prevent pollution of the Edwards Aquifer;

(3) any development of land previously identified as undeveloped in the original water pollution abatement plan;

(4) any physical modification of the approved organized sewage collection system;

(5) any physical modification of the approved underground storage tank system; or

(6) any physical modification of the approved aboveground storage tank system.

(k) Compliance. The holder of the approved or conditionally approved Edwards Aquifer protection plan shall be responsible for compliance with this chapter and any special conditions of an approved plan through all phases of plan implementation. Failure to comply with any condition of the executive director's approval is a violation of this rule.

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§213.5. Required Edwards Aquifer Protection Plans, Notification, and Exemptions.

(a) Required plans. A plan must be submitted for the following, as appropriate:

(1) a water pollution abatement plan under subsection (b) of this section to conduct regulated activities on the recharge zone not covered by subsections (c), (d), or (e) of this section;

(2) an organized sewage collection system plan under subsection (c) of this section for rehabilitation or construction related to existing or new organized sewage collection systems on the recharge zone;

(3) an underground storage tank facility plan for static hydrocarbon and hazardous substance storage under subsection (d) of this section for the construction or rehabilitation of an underground

storage tank system; including tanks, piping, and related systems located on the recharge zone or transition zone; and

(4) an aboveground storage tank facility plan for static hydrocarbon and hazardous substance storage under subsection (e) of this section for the construction or rehabilitation of an aboveground storage tank system; including tanks, piping, and related systems, for the storage of hydrocarbon or hazardous substance located on the recharge zone or transition zone.

(b) Water Pollution Abatement Plan. A water pollution abatement plan must contain the following information.

(1) Application. The information required under §213.4 of this title (relating to Application Processing and Approval) is part of the plan and shall be filed with the executive director at the appropriate regional office.

(2) Site location. The location data and maps shall include the following:

(A) a legible road map with directions, including mileage, which would enable the executive director to locate the site for inspection;

(B) a general location map showing:

(i) the site location on a copy (or spliced composite of copies, if necessary) of an official recharge zone map(s) with quadrangle name(s) and recharge and transition zone boundaries clearly labeled; and

(ii) a drainage plan, shown on the recharge zone map, indicating all paths of drainage from the site to the boundary of the recharge zone; and

(C) a site plan with a minimum scale of 1 inch to 400 feet, showing:

(i) the 100-year floodplain boundaries (if applicable);

(ii) the layout of the development, and existing and finished contours at appropriate, but not greater than five foot contour intervals;

(iii) the location of all known wells (including but not limited to water wells, oil wells, and unplugged and abandoned wells); and

(iv) the location of any sensitive feature on the site of the proposed regulated activity or in areas beyond the site boundary as identified in the assessment of area geology under paragraph (3) of this subsection.

(3) Assessment of area geology. For all regulated activities, the applicant must submit a report prepared by a geologist describing area and site-specific geology identifying all potential pathways for contaminant movement to the Edwards Aquifer. For areas beyond the site boundary that are within the 100-

year floodplain and are the shorter distance of either one-half mile downgradient of the site or the downgradient boundary of the recharge zone, the geologic assessment must include an identification of sensitive features. If access to downgradient property is denied, these features may be inventoried from literature searches, recognized from aerial photographs, or identified from other sources of information. Where the 100-year floodplain has not been delineated, the applicant shall delineate the 100-year floodplain, showing all applicable data and calculations used to make such a delineation. Single-family residential subdivisions constructed on less than 10 acres are exempt from this requirement. The geologic assessment must include:

(A) a geologic map at site-plan scale showing the outcrop of surface geologic units and all geologic and manmade features, specifically identifying caves, sinkholes, faults, permeable fractures, solution zones, surface streams, and other sensitive features;

(B) a stratigraphic column showing at a minimum, formations, members, and thicknesses;

(C) forms provided by or approved by the executive director, which describe and evaluate all geologic and manmade features to assess and determine if they are sensitive features, and include:

(i) identification of each geologic or manmade feature, with a cross reference to the site-plan map coordinates; and

(ii) the type of geologic or manmade feature, including but not limited to, sinkholes, caves, faults, wells, surface streams, or potentially permeable fractures and solution zones;

(D) a narrative assessment of site-specific geology, detailing the potential for fluid movement to the Edwards Aquifer, including discussion of the stratigraphy, structure, and karstic characteristics of the site; and

(E) a narrative description of soil units and a soil profile, including thickness and hydrologic characteristics.

(4) Technical report. For regulated activities, a technical report shall address the following issues.

(A) An assessment of:

(i) the nature of the regulated activity (such as residential, commercial, industrial, or utility), including the size of the site in acres; the projected population for the site; the amount and type of impervious cover expected after construction is complete, such as paved surface or roofing; the amount of surface expected to be occupied by parking lots; and other factors that could affect surface and groundwater quality;

(ii) the volume and character of wastewater expected to be produced (such as wastewater generated at a site should be characterized as either domestic or industrial, or if commingled, by approximate percentages of each type);

(iii) the volume and character of stormwater runoff expected to occur (estimates of stormwater runoff quality and quantity should be based on area and type of impermeable cover, as described in clause (i) of this subparagraph); and

(iv) any activities or processes which may be a potential source of contamination.

(B) A description of the best management practices and measures that will be taken during and after construction to prevent pollution of surface or groundwater or of stormwater originating on-site or upgradient from the site and potentially flowing across the site. Pilot-scale field testing (including water quality performance monitoring) may be required for BMPs that are not contained in technical guidance recognized by or prepared by the executive director.

(C) A description of the best management practices and measures that will be taken during and after construction to prevent pollution of surface or groundwater downgradient of the site, including pollution caused by contaminated stormwater runoff from the site. Pilot-scale field testing (including water quality performance monitoring) may be required for BMPs that are not contained in technical guidance recognized by or prepared by the executive director.

(D) A description of the best management practices and measures that will be taken during and after construction to prevent pollutants from entering surface streams or the aquifer while, to the extent practicable, maintaining flow to naturally occurring sensitive features identified in either the assessment of area geology or during excavation, blasting, or construction. Pilot-scale field testing (including water quality performance monitoring) may be required for BMPs that are not contained in technical guidance recognized by or prepared by the executive director. The sealing of naturally occurring sensitive features as a pollution control measure will be avoided where reasonable and practicable alternatives exist and will be evaluated by the executive director on a case-by-case basis.

(E) Measures to be taken to avoid or minimize surface stream contamination or changes in which water may enter a stream as a result of construction and development that would increase flashing, create stronger flow and stream velocity; or otherwise increase instream erosion and further water quality degradation;

(F) A description of the method of disposal of wastewater from the site:

(i) if wastewater is to be disposed of by conveyance to a sewage treatment plant for treatment and disposal, the existing or proposed treatment facility must be identified; or

(ii) if wastewater is to be disposed of by an on-site sewage facility, the application must be accompanied by a written statement from the appropriate authorized agent, stating that the site is suitable for the use of private sewage facilities and will meet the special requirements for on-site sewage facilities located on the Edwards Aquifer recharge zone as specified under Chapter 285 of this title (relating to On-site Sewage Facilities), or identifying those areas that are not suitable.

(G) A description of measures that will be taken to contain any spill of hydrocarbons or hazardous substances such as on a roadway or from a pipeline or from temporary

aboveground storage of 250 gallons or more. Temporary storage facilities are those used on site for less than one year. Temporary aboveground storage tank systems of 250 gallons or more cumulative storage capacity shall be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.

(H) A plan for the inspection of best management practices and measures and for their timely maintenance and repair and, if necessary, retrofit.

(c) Organized Sewage Collection Systems.

(1) No person shall commence rehabilitation or construction related to an existing or new organized sewage collection system on the recharge zone, until design plans, specifications, and an engineering report, as specified in Chapter 317 of this title (relating to Design Criteria for Sewerage Systems) and appropriate special requirements of this section, have been filed with and approved by the executive director.

(2) General design of sewage collection systems. Design of new sewage collection systems on the recharge zone must comply with Chapter 317 of this title.

(3) Special requirements for sewage collection systems. In addition to the requirements in paragraph (2) of this subsection, sewage collection systems on the recharge zone must meet the following special requirements.

(A) Manhole rehabilitation or construction. All manholes rehabilitated or constructed after March 21, 1990, must be watertight, with watertight rings and covers and must be constructed and tested to meet the requirements of §317.2(c)(5)(H) of this title (relating to Sewage Collection System).

(B) Piping for gravity and pressurized collection systems. Compliance with the following is required, unless local regulations dictate more stringent standards:

(i) for gravity collection systems, all PVC pipe must have a Standard Dimension Ratio (SDR) of 35 or less and meet the requirements of §317.2(a) through §317.2(c)(4) of this title; and

(ii) for all pressurized sewer systems, all PVC pipe must have a minimum working pressure rating of 150 pounds per square inch and meet the requirements of §§317.2(d)(2)-(d)(4) and §§317.3(d)(5)-(d)(7) of this title (relating to Sewage Collection System and Lift Stations).

(C) Lift station design. Lift stations must be designed and constructed to assure that bypassing of any sewage does not occur. All lift stations must be designed to meet the requirements of §317.2(d) and §317.3 of this title. A lift station submittal must include final construction plans and a design report prepared by or under the direct supervision of a Texas Registered Professional Engineer. All design information must be signed, sealed, and dated by a Texas Registered Professional Engineer.

(D) Certification of new sewage collection system lines by a Texas Register Professional Engineer. Owners of sewage collection systems must insure that all new gravity sewer system lines having a diameter greater than or equal to six inches and all new force mains are tested for leakage following construction. Such lines must be certified by a Texas Registered Professional Engineer to meet the appropriate requirements of §317.2 of this title (relating to Design Criteria for Sewerage Systems). The engineer shall retain copies of all test results which shall be made available to the executive director upon request. The engineer shall submit a letter certifying that all wastewater lines have passed all required testing to the appropriate regional office within 30 days of test completion and prior to use of the new collection system. Following the completion of the new sewer lines and manholes, they must be tested every five years thereafter in accordance with subparagraph (E) of this paragraph.

(E) Testing of existing sewer lines. Owners of sewage collection systems must insure that all existing sewer lines having a diameter greater than or equal to six inches, including private service laterals, manholes, and connections, are tested to determine types and locations of structural damage and defects such as offsets, open joints, or cracked or crushed lines that would allow exfiltration to occur. Existing manholes and lift station wetwells shall be tested using methods for new structures which are approved by the executive director.

(i) Testing of all sewage collection systems shall be completed within five years of commencement. Any sewage collection system in place as of March 21, 1990 shall have commenced and completed testing. Every five years thereafter, existing sewer collection systems must be tested to determine types and locations of structural damage and defects such as offsets, open joints, or cracked or crushed lines that would allow exfiltration to occur. These test results shall be certified by a Texas Registered Professional Engineer. The use of one of the following methods will satisfy the requirements for the five year testing of existing sewer lines.

(I) In-place deflection testing shall meet the requirements of §317.2(a)(4)(C) of this title. No pipe shall exceed a deflection rate of 5.0%.

(II) Internal line inspections, using a color television camera to verify that the lines are free of structural damage such as offsets, open joints, or cracked or crushed lines, that would allow exfiltration to occur, are acceptable. The use of older black and white television equipment will not be accepted by the executive director. Newer black and white television equipment may be used following demonstration to the executive director that an acceptable inspection can be performed as provided in subclause (IV) of this clause.

(III) In-line smoke testing is acceptable only for the testing of private service laterals.

(IV) Testing methods other than those listed above must be approved by the executive director prior to initiating the sewer line testing.

(ii) Except as otherwise provided in an enforcement order of the commission, as soon as possible, but at least within one (1) year of detecting defects, repairs to the sewage collection system must be completed by the system's owner. However, all leakage must be immediately contained to prevent any discharge to water in the state or pollution of the Edwards Aquifer whether

necessary repairs have been completed or not. Leakage is a violation of §26.121 of the Texas Water Code and these rules are not intended to excuse such unlawful discharge of waste into or adjacent to water in the state. All repairs must be certified by a Texas Registered Professional Engineer. Repairs must be tested within 45 days of completion using the methods described in clause (i) of this subparagraph. Results must be submitted to the appropriate regional office within 30 days of testing.

(F) Blasting for sewer line excavation. Blasting for sewer line excavation must be done in accordance with appropriate criteria established by the National Fire Protection Association. Should such blasting result in damage to an existing or newly completed sewer line or any of its appurtenances, the owner of the sewer system and appurtenances must repair and retest the damaged sewer line and its appurtenances immediately. The use of sand for pipe embedment or backfill in blasted rock is prohibited.

(G) Sewer line stub outs. New collection system lines must be constructed with stub outs for the connection of anticipated extensions. The location of such stub outs must be marked on the ground such that their location can be easily determined at the time of connection of the proposed extensions. All stub outs must be sealed with a manufactured cap to prevent leakage. Extensions that were not anticipated at the time of original construction or that are to be connected to an existing sewer line not furnished with stub outs must be connected using a manufactured saddle in accordance with accepted plumbing techniques.

(i) Main line stub outs. Manholes shall be placed at the end of all sewer lines that will be extended at a future date, as specified in §317.2(c)(5) of this title. If the main line is to be extended within one (1) year, a variance to allow the use of a stub out until the line is extended will be considered on a case-by-case basis. At the time of original construction, new stub outs must be constructed sufficiently to extend beyond the end of the street pavement. Stub outs that were not anticipated at the time of original construction must enter the manhole using a bored or drilled hole. Chiseling or hammering to enter a manhole is prohibited.

(ii) Private service lateral stub outs. Such stub outs must be manufactured using wyes or tees that are compatible in size and material with both the sewer line and the extension. Private service lateral stub outs that were not anticipated at the time of original construction must be connected using a manufactured saddle in accordance with accepted plumbing techniques.

(H) Locating sewer lines within a five-year floodplain. Sewer lines shall not be located within the five-year floodplain of a drainageway, unless an exemption is granted by the executive director. If the applicant demonstrates to the executive director that such location is unavoidable, and the area is subject to inundation and stream velocities which could cause erosion and scouring of backfill, the trench must be capped with concrete to prevent scouring of backfill, or the sewer lines must be encased in concrete. All concrete shall have a minimum thickness of six (6) inches.

(I) Inspection of private service lateral connections. After installing and prior to covering and connecting a private service lateral to an organized sewage collection system, a Texas Registered Professional Engineer, Texas Registered Sanitarian, or appropriate city inspector shall inspect the private service lateral and the connection to the collection system and certify that construction conforms with the applicable provisions of this subsection. The owner of the collection system must maintain such certifications for three years and forward copies to the appropriate regional office upon request. No connections may be made to an approved sewage collection system until the executive director has received

certification of new construction or repairs, and subsequent testing has been performed as required by paragraph (D) or (E) of this subsection. Private service laterals may only be connected to approved sewage collection systems.

(J) Embedment materials. Embedment materials must meet the specification for bedding contained in §317.2(a)(5) of this title.

(K) Sewer lines bridging caverns or other sensitive features. Sewer lines that bridge caverns or sensitive features must be constructed in a manner that will maintain the structural integrity of the line. When such geologic features are encountered during construction, the location and extent of those features must be reported to the appropriate regional office in writing within two working days of discovery and must comply with the requirements under subsection (f) of this section.

(L) Erosion and sedimentation control. A temporary erosion and sedimentation control plan must be included with all construction plans. All temporary erosion and sedimentation controls must be installed prior to construction, must be maintained during construction, and shall be removed when sufficient vegetation is established to control the erosion and sedimentation and the construction area is stabilized.

(M) Alternative sewage collection systems. The executive director may approve an alternative procedure which is technical justified; signed, sealed and dated by a Texas Register Professional Engineer indicating equivalent environmental protection; and which complies with the requirements of §317.2(d) of this title (relating to Design Criteria for Sewerage Systems).

(N) Required corrective action. Notwithstanding compliance with the requirements of subparagraphs (A)-(M) of this paragraph, sewage collection systems must operate in a manner that will not cause pollution of the Edwards Aquifer. Any failure must be corrected in a manner satisfactory to the executive director.

(4) Contents of organized sewage collection system plan.

(A) Application. For organized sewage collection systems, the information required under §213.4 of this title (relating to Application Processing and Approval) shall be filed with the executive director at the appropriate regional office.

(B) Narrative description of proposed organized sewage collection system. A narrative report must include at a minimum a geographic description and anticipated type of development within the sewage collection system service area. A technical report that was submitted under subsection (b) of this section satisfies this requirement, provided it properly addresses the proposed sewage collection systems.

(C) Plans and specifications. Plans and specifications addressing all the requirements in paragraphs (2) and (3) of this subsection, must include at a minimum:

(i) a map showing the location of the organized sewage collection system lay-out in relation to recharge zone boundaries;

(ii) a map showing the location of the organized sewage collection system lay-out, overlaid by topographic contour lines, using a contour interval of not greater than five (5) feet, and showing the area within both the 5-year floodplain and the 100-year floodplain of any drainage way;

(iii) construction documents prepared by or under the supervision of a Texas Registered Professional Engineer, which have also been signed, sealed, and dated by that Texas Register Professional Engineer, at a minimum, shall include:

(I) plan and profile views of the collection system;

(II) construction details of collection system components;

(III) specifications for all collection system components; and

(IV) proposed pollution abatement measures for sensitive features identified along the path of the proposed sewer line.

(D) Assessment of area geology. An assessment of area geology shall be performed along the path of the proposed sewer line(s), plus 50 feet on each side of the proposed sewer line as described in subsection (b)(3) of this section.

(d) Static Hydrocarbon and Hazardous Substance Storage in Underground Storage Tanks System.

(1) Standards for Underground Storage Tank Systems. New or replacement systems for the underground storage of static hydrocarbons or hazardous substances shall be of double-walled or an equivalent method approved by the executive director. Methods for detecting leaks in the inside wall of double-walled system shall be included in the facility's design and construction. The leak detection system shall provide continuous monitoring of the system and shall be capable of immediately alerting the system’s owner of possible leakages.

(A) Installation. All underground hydrocarbon and hazardous substance storage tank systems shall be installed by a person possessing a valid certificate of registration in accordance with the requirements of Subchapter I of Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks).

(B) Siting. Any new underground hydrocarbon and hazardous substance storage tank system that does not incorporate a method for tertiary containment shall be located a minimum horizontal distance of 150 feet from any domestic, industrial, or irrigation well, or other sensitive feature as determined under the assessment of area geology at the time of construction or replacement under subparagraph (C) of this subsection or the tankhold inspection under subsection (f)(2)(B) of this section. This method of tertiary containment shall also apply to the placement of a tank system within 150 feet of a public water supply well without a sanitary control easement of 150 feet as defined in §290.41(c)(1)(F) of this title (relating to Water Sources).

(2) Contents of an Underground Storage Tank Facility Plan. An underground storage tank facility plan must, at a minimum, contain the following information.

(A) Application. The information required under §213.4 of this title (relating to Application Processing and Approval) shall be filed with the executive director at the appropriate regional office.

(B) A site location map as specified in subsection (b)(2) of this section including a legible road map, a general location map, and a site plan, shall be submitted as part of the plan.

(C) Assessment of area geology. For all facilities, located on either the recharge zone or transition zone, an assessment of area geology, as described in subsection (b)(3) of this section, shall be submitted for the site and for areas beyond the site boundary that are within the 100-year floodplain the shorter distance of either one-half mile downgradient of the site or the downgradient boundary of the recharge zone. For regulated activities located on the transition zone, the assessment of area geology shall be submitted for the site and 200 feet downgradient.

(D) Technical report. For all facilities, located on either the recharge zone or transition zone, a technical report as described in §213.5(b)(4) of this title (relating to Technical Report), shall be submitted on forms provided by or approved by the executive director.

(e) Static Hydrocarbon and Hazardous Substance Storage in an Aboveground Storage Tank Facility.

(1) Design standards. Systems used for the temporary and permanent aboveground storage of static hydrocarbon and hazardous substance shall be constructed within controlled drainage areas that are sized to capture one and one-half (1½) times the storage capacity of the system. The controlled drainage area shall be constructed of and in a material impervious to the substance(s) being stored, and shall direct spills to a convenient point for collections and recovery. Any spills from storage tank facilities shall be removed from the controlled drainage area for disposal within 24 hours of the spill.

(2) Contents of an Aboveground Storage Tank Facility Plan. A permanent aboveground storage tank facility plan must contain, at a minimum, the following information.

(A) Application. For an aboveground storage tank facility, the information required under §213.4 of this title shall be filed with the executive director at the appropriate regional office.

(B) A site location map as specified in subsection (b)(2) of this section, including a legible road map, a general location map, and a site plan, shall be submitted as part of the plan for a permanent facility.

(C) Assessment of area geology. For all facilities, located on either the recharge zone or transition zone, an assessment of area geology, as described in subsection (b)(3) of this section, shall be submitted for the area containing the aboveground storage tank system and for areas beyond the site boundary that are within the 100-year floodplain the shorter distance of either one-half mile downgradient of the site or the downgradient boundary of the recharge zone. For regulated activities located on the transition zone, the assessment of area geology shall be submitted for the site and 200 feet downgradient.

(D) Technical report. For all facilities, located on either the recharge zone or transition zone, a technical report as described in subsection (b)(4) of this section, shall be submitted on forms provided by or approved by the executive director.

(3) A description of measures that will be taken to contain any spill of hydrocarbons or hazardous substances from temporary storage of 250 gallons or more shall be included with the plan unless described under subsection (b)(4)(G) of this section. Any new temporary aboveground hydrocarbon and hazardous substance storage tank system shall be located a minimum horizontal distance of 150 feet from any domestic, industrial, irrigation, or public water supply well, or other sensitive feature.

(4) Exemptions from this section.

(A) Equipment used to transmit electricity that utilizes insulating oil for insulation or cooling purposes, including transformers and oil circuit breakers, are exempt from this subsection. Construction of supporting structures is a regulated activity for which a water pollution abatement plan under subsection (a)(1) of this section is required.

(B) Permanent storage facilities with a cumulative storage capacity of less than 500 gallons are exempt from this section.

(f) Notification and Inspection.

(1) The applicant must provide written notification of intent to commence construction, replacement, or rehabilitation to the appropriate regional office 48 hours prior to commencing such regulated activity. Written notification shall include the date on which the regulated activity will commence and identify the approved plan under which the regulated activity will proceed. For purposes of determining whether the applicant is eligible to an extension of the approval of a plan, construction will not be deemed to have commenced until receipt by the appropriate regional office of a subsequent notice verifying that construction was commenced on a specific date.

(2) If any sensitive feature is discovered during construction, replacement, or rehabilitation, all regulated activities near the sensitive feature must be suspended immediately. The holder of an approved Edwards Aquifer protection plan must immediately notify the appropriate regional office of any sensitive features encountered during construction before continuing construction. Regulated activities near the sensitive feature may not proceed until the executive director has reviewed and approved the methods proposed to protect the sensitive feature and the Edwards Aquifer from potentially adverse impacts to water quality.

(A) The holder of an approved sewage collection system plan, must meet the following.

(i) Upon completion of any lift station excavation, a geologist shall certify that the excavation has been inspected for the presence of sensitive features. Certification that the excavation has been inspected shall be submitted to the appropriate regional office. Further excavation and installation activities shall not proceed until the executive director has reviewed and approved the methods proposed to protect any sensitive feature discovered during this inspection and the Edwards Aquifer from potentially

adverse impacts to water quality from the lift station. Construction may continue if the geologist certifies that, in their assessment of the excavation, no sensitive feature or features were present.

(ii) A Texas Registered Professional Engineer shall submit proposed plans for insuring the structural integrity of the sewer line or modifying the proposed collection system alignment around the feature.

(B) Upon completion of tankhold excavation under an approved underground storage tank facility plan, a geologist shall certify that the excavation has been inspected for the presence of sensitive features. Certification that the excavation has been inspected shall be submitted to the appropriate regional office. Installation activities shall not proceed until the executive director has reviewed and approved the methods proposed to protect any sensitive feature found during this inspection and the Edwards Aquifer from potentially adverse impacts to water quality from the underground storage tank system. This protection method shall be consistent with subsection (d)(1)(B) of this section. Construction may continue if the geologist certifies that, in their assessment of the excavation, no sensitive feature or features were present.

(3) The executive director must determine the acceptability of plans intended to demonstrate methods to mitigate potential contamination associated with the sensitive feature within one week of receiving the plans.

(g) On-site sewerage systems. On-site sewerage systems located on the recharge zone of the Edwards Aquifer must be designed, installed, maintained, repaired, and replaced in accordance with §285.40 of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) and other applicable provisions contained in Chapter 285.

(h) Exemption. The installation of natural gas, telephone or electric lines, water lines, or other such utility lines which are not designed to carry and will not carry pollutants, stormwater runoff, sewage effluent, or treated effluent from a wastewater treatment facility is exempt from the Edwards Aquifer protection plan submittal requirements under this section. The construction of these facilities on the recharge zone is a regulated activity and the installation and maintenance of appropriate temporary erosion and sedimentation controls is required. All temporary erosion and sedimentation controls must be installed prior to construction, must be maintained during construction, and shall be removed when vegetation is established and the construction area is stabilized. The executive director may monitor stormwater discharges from these projects to evaluate the adequacy of the temporary erosion and sedimentation control measures. Additional protection will be required if the executive director determines that these controls are inadequate to protect water quality.

Adopted December 4. 1996 Effective December 27, 1996

§213.6. Wastewater Treatment and Disposal Systems.

(a) General. New discharges or increases in discharges into or adjacent to water in the state that would create additional loading by treated wastewater are prohibited on the recharge zone. Existing permits may be renewed for the same discharge volumes and with the same conditions and authorizations specified in the permit unless the facility becomes non-compliant, as defined in Chapter 70 of this title (relating to Enforcement). New land application wastewater treatment plants located on the recharge zone must be

designed, constructed, and operated such that there are no bypasses of the treatment facilities or any discharges of untreated or partially treated wastewater. Design of wastewater treatment plants must be in accordance with Chapter 317 of this title (relating to Design Criteria for Sewerage Systems).

(b) Land application systems. Except for licensed private sewage facilities, land application systems that rely on percolation for wastewater disposal are prohibited on the recharge zone. Wastewater disposal systems for disposal of wastewater on the recharge zone utilizing land application methods, such as evaporation or irrigation, will be considered on a case-by-case basis. At a minimum, those systems must attain secondary treatment as defined in Chapter 309 of this title (relating to Effluent Limitations). Existing permits may be renewed for the same discharge volumes and with the same conditions and authorizations specified in the permit unless the facility becomes non-compliant, as defined in Chapter 70 of this title (relating to Enforcement).

(c) Discharge upstream from the recharge zone.

(1) All new or increased discharges of treated wastewater into or adjacent to water in the state, other than industrial wastewater discharges, within zero to five (0 to 5) miles upstream from the recharge zone, at a minimum, shall achieve the following level of effluent treatment:

(A) five milligrams per liter of carbonaceous biochemical oxygen demand, based on a 30-day average;

(B) five milligrams per liter of total suspended solids, based on a 30-day average;

(C) two milligrams per liter of ammonia nitrogen, based on a 30-day average; and

(D) one milligram per liter of phosphorus, based on a 30-day average.

(2) All new or increased discharges into or adjacent to water in the state, other than industrial wastewater discharges, more than five miles but within ten miles upstream from the recharge zone and any other discharges that the agency determines may affect the Edwards Aquifer, at a minimum, must achieve the level of effluent treatment for 2N based on a 30-day average as set out in Table 1 of Chapter 309 of this title. More stringent treatment or more frequent monitoring may be required on a case-by-case basis.

(3) All discharges, other than industrial wastewater discharges, more than five (5) miles upstream from the recharge zone which enter the main stem or a tributary of Segment 1428 of the Colorado River, or Segment 1427, main stem Onion Creek, or a tributary of Onion Creek must comply with §311.43 of this title (relating to Effluent Requirements for All Tributaries of Segment 1428 of the Colorado River and Segment 1427, Onion Creek, and Its Tributaries, of the Colorado River Basin), and to §311.44 of this title (relating to Disinfection). More stringent treatment or more frequent monitoring may be required on a case-by-case basis.

(4) Any existing permitted industrial wastewater discharges within zero to ten (0 to 10) miles upstream of the recharge zone must, at all times, discharge effluent in accordance with permitted limits. Any application for new industrial wastewater discharge permits for facilities zero to ten (0 to 10) miles upstream of the recharge zone will be considered on a case-by-case basis, in accordance with appropriate

discharge limits applicable to that industrial activity and with consideration of its proximity to the recharge zone.

Adopted December 4. 1996 Effective December 27, 1996

§213.7. Plugging of Abandoned Wells.

All identified abandoned water wells, including injection, dewatering, and monitoring wells must be plugged pursuant to requirements under Chapter 238 of this title (relating to Water Well Drillers) and all other locally applicable rules, as appropriate.

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§213.8. Prohibited Activities.

(a) Recharge zone. The following activities are prohibited on the recharge zone:

(1) waste disposal wells regulated under Chapter 331 of this title (relating to Underground Injection Control);

(2) new feedlot/concentrated animal feeding operations regulated under Chapter 321 of this title (relating to Control of Certain Activities by Rule).

(3) land disposal of Class I wastes, as defined in §335.1 of this title (relating to Definitions);

(4) the use of a sewage holding tank as part of an organized sewage collection systems; and

(5) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41 (b), (c), and (d) of this title (relating to Types of Municipal Solid Waste Facilities).

(b) Transition zone. The following activities are prohibited on the transition zone:

(1) waste disposal wells regulated under Chapter 331 of this title;

(2) land disposal of Class I wastes, as defined in §335.1 of this title; and

(3) new municipal solid waste landfill facilities required to meet and comply with Type I standards which are defined in §330.41 (b), (c), and (d) of this title.

Adopted December 4. 1996 Effective December 27, 1996

§213.9. Exceptions.

(a) Granting of exceptions. Exceptions to any substantive provision of this chapter related to the protection of water quality may be granted by the executive director if the requestor can demonstrate equivalent water quality protection for the Edwards Aquifer. Requests for exceptions will be reviewed by the executive director on a case-by-case basis. Prior approval under this section must be obtained for the exception to be authorized.

(b) Procedure for requesting an exception. A person requesting an exception to the provisions of this chapter relating to the protection of water quality must file an original and three copies of a written request with the executive director at the appropriate regional office stating in detail:

(1) the name, address, and telephone numbers of the requestor;

(2) site and project name and location;

(3) the nature of the exception requested;

(4) the justification for granting the exception as described in (a) of this section; and

(5) any other pertinent information that the executive director requests.

Adopted December 4. 1996 Effective December 27, 1996

§213.10. Enforcement.

Failure to comply with any provision of this chapter or of any applicable regulation or order of the commission issued pursuant to this chapter and in accordance with Chapter 26 and other relevant provisions of the Texas Water Code may result in liability for penalties and may subject a noncompliant person to enforcement proceedings initiated by the executive director under Texas Water Code, Chapter 26.

Adopted December 4. 1996 Effective December 27, 1996

§213.11. Groundwater Conservation Districts.

The commission recognizes the authorities, powers, and duties of special-purpose districts, created by the Texas Legislature or by the commission under Chapter 36 of the Texas Water Code, as groundwater conservation districts to conserve, prevent waste, and protect the quality of ground water. In order to foster cooperation with local governments, the commission encourages districts to assist it in the administration of this chapter by carrying out the following functions within the areal extent of their geographic jurisdiction which includes the recharge zone or transition zone:

(1) cooperating with licensing authorities in carrying out the provisions of this chapter,

(2) conducting such geologic investigations as are necessary to provide updated information to the executive director regarding the official maps of the recharge zone and transition zone,

(3) monitoring the quality of water in the Edwards Aquifer, and

(4) maintaining maps of regulated activities on the recharge or transition zone.

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§213.12. Application Fees.

The person submitting an application for approval or modification of any plan under this chapter must pay an application fee in the amount set forth in §213.14 of this title (relating to Fee Schedule). The fee is due and payable at the time the application is filed. The fee must be sent to the appropriate regional office or the cashier in the Austin Office of the agency, accompanied by an Edwards Aquifer Fee Application Form, provided by the executive director. Application fees must be paid by check or money order, payable to the "Texas Natural Resource Conservation Commission". If the application fee is not submitted in the correct amount, the executive director is not required to consider the application until the correct fee is submitted.

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§213.13. Fees Related to Requests for Extensions.

The person submitting an application for an extension of an approval of any plan under this chapter must pay $100 for each extension request. The fee is due and payable at the time the extension request is filed, and should be submitted as described in §213.12 of this title (relating to Application Fees). If the extension fee is not submitted in the correct amount, the executive director is not required to consider the extension request until the correct fee is submitted. The extension request must be submitted to the appropriate regional office and must include a copy of the Edwards Aquifer protection plan and approval letter that is the subject of the extension request.

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§213.14. Fee Schedule.

(a) Water Pollution Abatement Plans. For water pollution abatement plans and modifications to those plans, the application fee shall be based on the classification and total acreage of the site where regulated activities will occur as specified in Table 1. **(Figure 1: §213.14(a))**

Figure 1: §213.14(a)

Table 1

Classification/Number of Acres	**Fee**
Single-family residential, parks, public schools	
Less than 2 acres	$1,000
2 acres or more	$2,000
Commercial and other sites where regulated activities will occur	

Classification/Number of Acres	**Fee**
Less than 1 acre	$1,000
1 acre or more	$2,000

(b) Organized sewage collection systems. For sewage collection system plans and modifications, the application fee shall be based on the total number of linear feet of all lines for which approval is sought. The fee shall be $.50 per linear foot, with a minimum fee of $500 and a maximum fee of $2,000.

(c) Underground and aboveground storage tank facilities. For underground or permanent aboveground storage tank system facility plans and modifications, the application fee shall be based on the number of tanks or piping systems for which approval is sought. The fee shall be $500 per tank or piping system, with a minimum fee of $500 and a maximum fee of $2,000.

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